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JEFFER, MANGELS, BUTLER & MARMARO, LLP  
1900 AVENUE OF THE STARS, 7TH FLOOR  
LOS ANGELES, CA 90067

EXAMINER

PICKETT, JOHN G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/056,856

Applicant(s)

DOMYAN, PAULINE

Examiner

Gregory Pickett

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because Figures 2 and 4 are photographs and Figure 1 includes an identification arrow on the right side of the figure without an item number.

Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and an amendment to the first paragraph of the brief description of the drawings section of the specification which states:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following minor informalities:

Page 6, line 30 recites, "panel 18", where item 18 is previously defined as an end. See also page 7, lines 4, 8, 10, and 21.

Page 8, line 9 recites, "embodiments of an electronic entity records system", no electronic entity records system is previously described.

4. The use of the trademark VELCRO® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 11, 12, 14, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (US 1,705,050).

Regarding claim 1, Taylor discloses a yarn organizer having a piece of material (1) and a plurality of cord locks (2, Col. 1, ll. 29-40). The sides (3 and 4) of cord locks (2) loop around cords (5) and are fastened with fasteners (7), thereby locking cords (5) into a held position. The looping of fasteners (7) through slots (6, 8, 9) enables the adjustment of the cord lock (2).

As to claim 2, the material (1), as depicted in Figure 1, is slightly larger than cords (5), which are skeins of silk (Col. 1, ll. 1-4). Since skeins of silk are known to be roughly 8"-12" in length, material (1) is inherently lap sized.

Regarding claim 3, Taylor discloses a yarn organizer having a flexible, rollable panel (1) and a plurality of cord locks (2, Col. 1, ll. 29-40).

Regarding claim 11, Taylor discloses providing a yarn organizer (Figure 1) with a flexible panel (1) and a plurality of cord locks (2); the sides (3 and 4) of cord locks (2) loop around cords (5) and are fastened with fasteners (7), thereby locking cords (5) into a held position; the looping of fasteners (7) through slots (6, 8, 9) enables the adjustment of the cord lock (2). Taylor also discloses threading the skeins through the loop and adjusting the fastener to securely retain the skeins (Col. 2, ll. 59-66).

As to claim 12, Taylor discloses the step of rolling the yarn organizer into a compact state (Col. 2, ll. 78-84).

Regarding claim 14, Taylor discloses a yarn organizer having a flexible, rollable panel (1) having an inside surface (face shown in Figure 1), a plurality of support

members (2) adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1), and a compact state (Figure 3).

Regarding claim 15, Taylor discloses a yarn organizer having a flexible, rollable panel (1) having an inside surface (face shown in Figure 1), a plurality of cord locks (2) adjustably dimensioned to receive skeins of yarn and attached to the inside surface in a spaced apart relationship (as shown, Figure 1), and a compact state (Figure 3).

Regarding claim 18, Taylor discloses a yarn organizer having a panel (1) having an inside surface (face shown in Figure 1), and a plurality of cord locks (2) adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1).

6. Claims 16 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Dowdle (US 6,196,033).

Regarding claim 16, Dowdle discloses a yarn organizer (10) with a plurality of cord locks (14) adjustably dimensioned, and handle (12). The organizer of Dowdle is capable of receiving skeins of yarn.

Regarding claim 17, Dowdle discloses a yarn organizer (10) with a plurality of support members (14) adjustably dimensioned and fastened together with handle (12). The organizer of Dowdle is capable of receiving skeins of yarn.

7. Claims 1-5, 7-10, 14, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Niehaus (US 4,735,246).

Regarding claim 1, Niehaus discloses a yarn organizer (10) having a piece of material (12) and a plurality of cord locks (36). The straps (39) of cord locks (36) loop around cords (necklaces shown in Figure 1) and are fastened with fasteners (30, 40), thereby locking the cords into a held position. The looping of straps (39) around the cords enables the adjustment of the cord lock (36). The organizer of Niehaus is capable of holding skeins of yarn.

As to claim 2, Figure 9 depicts the organizer sized to fit within a shirt. This shows the organizer to be inherently lap sized.

Regarding claim 3, Niehaus discloses a yarn organizer (10) having a flexible, rollable panel (12) and a plurality of cord locks (36). The organizer of Niehaus is capable of holding skeins of yarn.

Regarding claim 4, Niehaus discloses a yarn organizer (10) having a flexible, rollable panel (12) having an inside surface (face shown in Figure 1), a plurality of support members (36) adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1), a compact state (Figure 6), and a pair of end straps (78). The organizer of Niehaus is capable of holding skeins of yarn.

As to claim 5, support members (36) are cord locks. The straps (39) of cord locks (36) loop around cords (necklaces shown in Figure 1) and are fastened with fasteners (30, 40), thereby locking the cords into a held position.

As to claim 7, Niehaus discloses a yarn organizer (10) having a flexible, rollable panel (12) made of cloth (Col. 2, ll. 37-39).

As to claim 8, Niehaus discloses a yarn organizer (10) having a pocket (54).

As to claim 9, Niehaus discloses a yarn organizer (10) having a pocket (54) dimensioned such that it is capable of receiving scissors.

As to claim 10, Niehaus discloses a yarn organizer (10) having a pocket (54) releaseably secured to the inside surface by fastener (56, 57).

Regarding claim 14, Niehaus discloses a yarn organizer (10) having a flexible, rollable panel (12) having an inside surface (face shown in Figure 1), a plurality of support members (36) adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1), and a compact state (Figure 6). The organizer of Niehaus is capable of holding skeins of yarn.

Regarding claim 15, Niehaus discloses a yarn organizer (10) having a flexible, rollable panel (12) having an inside surface (face shown in Figure 1), a plurality of cord locks (36) adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1), and a compact state (Figure 6). The organizer of Niehaus is capable of holding skeins of yarn.

Regarding claim 18, Niehaus discloses a yarn organizer (10) having a panel (12) having an inside surface (face shown in Figure 1), and a plurality of cord locks (2) adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1). The organizer of Niehaus is capable of holding skeins of yarn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



Art Unit: 3728

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 4, 5, 7, 8, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Wirth (US 4,662,517).

Regarding claim 4, Taylor discloses a yarn organizer having a flexible, rollable panel (1) having an inside surface (face shown in Figure 1), a plurality of support members (2) adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1), and a compact state (Figure 3). Taylor meets all limitations claimed by the applicant except:

Taylor does not disclose a pair of end straps to encircle and releaseably secure the panel in the compact state.

Wirth discloses a flexible panel (12) with end straps (64) to encircle and releaseably secure panel (12) in a compact state (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide

Art Unit: 3728

the yarn organizer of Taylor with end straps as taught by Wirth in order to prevent the unraveling of the organizer during transport.

As to claim 5, the yarn organizer of Taylor-Wirth, as applied to claim 4, discloses cord locks (Taylor, 2). The sides (Taylor, 3 and 4) of cord locks (Taylor, 2) loop around cords (Taylor, 5) and are fastened with fasteners (Taylor, 7), thereby locking cords (Taylor, 5) into a held position.

As to claim 7, the yarn organizer of Taylor-Wirth, as applied to claim 4, discloses a flexible panel (Taylor, 1) made from a cloth material (Taylor, Col. 1, ll. 29-30).

As to claim 8, the yarn organizer of Taylor-Wirth, as applied to claim 4, discloses the claimed invention except for a pocket.

Wirth further discloses a pocket (52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the yarn organizer of Taylor-Wirth with a pocket as taught by Wirth in order to hold utensils commonly used in the manipulation of yarn skeins.

As to claim 9, the yarn organizer of Taylor-Wirth, as applied to claim 8, discloses a pocket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to size the pocket of Taylor-Wirth to receive scissors since scissors are commonly used in the manipulation of skeins of yarn.

Regarding claim 13, the yarn organizer of Taylor, as applied to claim 12, discloses the claimed invention except for end straps.

Wirth discloses a flexible panel (12) with end straps (64) to encircle and releaseably secure panel (12) in a compact state (Figure 1). It would have been

Art Unit: 3728

obvious to one of ordinary skill in the art at the time the invention was made to provide the yarn organizer of Taylor with end straps as taught by Wirth in order to prevent the unraveling of the organizer during transport.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niehaus in view of Dunn (US 4,466,534).

Niehaus discloses a yarn organizer as applied to claim 4 above. Niehaus meets all limitations claimed by the applicant except for a black inside surface.

Dunn discloses a display package with a black, light absorbing felt used to enhance the aesthetic appearance of the article held. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the organizer of Niehaus with a black inner surface as taught by Dunn in order to enhance the aesthetic appearance of the articles held.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Mathews (US 5,385,237).

Taylor discloses a yarn organizer as applied to claim 18 above. Taylor meets all limitations claimed by the applicant except for panel that is a notebook page.

Mathews discloses an organizer (10) with a panel (12) that is a notebook page. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the organizer of Taylor with a panel that is a notebook page as taught by Mathews in order to store the organizer in a three-ring binder.

***Conclusion***

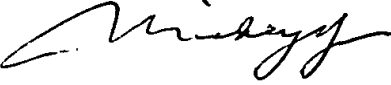
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Martin discloses an adjustable cord support with a spring operated locking device. Yates et al discloses an organizer with removable pockets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

*GPP*  
Gregory Pickett  
Examiner  
April 19, 2003

  
Mickey Yu  
Supervisory Patent Examiner  
Group 3700